

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

5:09cv137-V-02

(5:05cr09-05-V)

DARLENE ECKLES,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

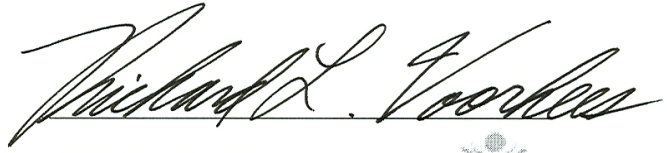
THIS MATTER comes before the Court on Petitioner's Motion to Deny Government's Fourth Extension, filed December 6, 2010 (Doc. No. 11).

Petitioner objects to Respondent's most recent Motion for an Extension of Time (Doc. No. 9), arguing, in relevant part, that her claim of ineffective assistance of counsel can be verified by documents in the Court's record. (*Id.* at 1). Therefore, Petitioner asks the Court to deny the subject Motion and immediately rule on her § 2255 Motion. (*Id.*). However, the Court's records reflect that Respondent has filed three, not four, Motions for Extensions of time. (Doc. Nos. 4, 8 and 9). More critically, those records also reflect that the Court already has granted the Government's most recent Motion for an Extension of Time. (Doc. No. 10). In addition, the record reflects that since the time that Petitioner filed this Motion, Respondent timely has filed its response to her Motion to Vacate. (Doc. No. 12). Therefore, Petitioner's Motion to Deny Government's Fourth Extension will be dismissed as moot.

NOW, THEREFORE, IT IS ORDERED that Petitioner's Motion to Deny Government's Fourth Extension (Doc. No. 11) is **DISMISSED as moot**.

SO ORDERED.

Signed: March 4, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

